IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7400 of 2005

Between:

H.V.H.C. high School, Dhone, Kurnool District rep. by its Secretary & Correspondent, Smt. G.V. Lakshmi Devi, W/o. G. Deva Varam.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Dhone, Klurnool District.
2 Smt. S. Rahmat Bee, Madhuri Podupu Lakshmi Group, Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction or particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in issuing the impugned proceedings Rc.B.266/2005 dt. 29.03.2005 by appointing 2nd respondent as implementing agency of mid-day meal by removing the existing implementing agency (Smt. Shakina Bi) with out knowledge, consulting and taking consent of the petitioner school, only by yielding to the political pressure, as illegal arbitrary, and contrary to the circular No.13 dt. 01.12.2002 and consequently set aside the above stated impugned proceedings and pass such other order or orders.

Counsel for the Petitioner : MR. K.RATHANGA PANI REDDY

Counsel for the Respondent No.1: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7400 OF 2005

ORDER:

This writ petition is filed questioning the proceedings of the first respondent – Mandal Revenue Officer dated 29-03-2005, thereby discharging one Smt. Shakina Bee, Group Leader of Podupu Lakshmi Group as Cooking Agency under the Midday Meal Scheme of S.V.H.C. School, Chigurumanpeta, Dhone on certain allegations in discharging duties as Cooking Agency. Under the same proceedings, the second respondent herein has been appointed as Cooking Agency in the place of the petitioner. Though the learned Counsel for the petitioner raised various grounds and contended that the impugned order is arbitrary, illegal and in violation of the principles of natural justice, I do not see any justifiable reason to entertain the writ petition. Since the Midday Meal Scheme is a Non-statutory Scheme, the guidelines do not confer any right on the petitioner which can be enforced by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

That apart, under G.O.Ms.No.94, Education (SE-PROG-1) Department, dated 25-11-2002 under which the Midday School Scheme has been decided to be implemented as per the guidelines specified thereunder, the Joint Collector of the concerned District is the authority to monitor the process of selection and functioning of the implementing agencies.

In the circumstances, the learned Government Pleader for School Education appearing for the 1st respondent states that if the petitioner is aggrieved it is open to her to prefer the Appeal before the Joint Collector.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to prefer the Appeal before the Joint Collector. If any such Appeal is preferred within a period of two weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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8TH April, 2005.

gbs

To

1. The Mandal Revenue Officer, Dhone, Klurnool District.

2. Two CCs to G.P. for Revenue & G.P. for School Education, High Court of AP Bldgs, Hyderabad (Out).

3. Two CD copies.